

MICHAEL L. CARVER, SBN 173633
PATRICIA A. SAVAGE, SBN 236235
LAW OFFICES OF MICHAEL L. CARVER
1550 Humboldt Road, Suite 1
Chico, CA 95928
Telephone: (530) 891-8503
Fax: (530) 891-8512

Attorneys for Plaintiff
Faith Martin, individually and on behalf of all
others similarly situated

SHEPPARD MULLIN RICHTER & HAMPTON LLP
CHARLES F. BARKER, SBN 70076
333 South Hope Street, 48th Fl
Los Angeles, CA 90071-1448
Telephone: (213) 620-1780
Fax: (213) 620-1398

Attorneys for Defendant
FedEx Ground Package System, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FAITH D. MARTIN, et al,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM INC.,
et al,

Defendants.

Case No. 06-CV-06883-MJJ JCS

**STIPULATION RE RESOLUTION OF
DISCOVERY DISPUTE AND ORDER
THEREON**

Plaintiff FAITH D. MARTIN and Defendant FEDEX GROUND PACKAGE SYSTEM
INC. by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed a Motion to Compel Discovery Responses on July 24, 2007,
and set for hearing on August 28, 2007 and the Defendant filed an Opposition on August 7, 2007.

1 WHEREAS on August 8, 2007 the Plaintiff's Motion was vacated and all discovery
 2 matters were referred to a U.S. Magistrate Judge and on or about August 13, 2007, the Court
 3 ordered all parties and Counsel of Record to meet and confer in person within ten calendar days to
 4 resolve the outstanding discovery disputes;

5 WHEREAS, on August 14 and 15, 2007, Counsel met in person and reached a proposed
 6 agreement to resolve Plaintiff's outstanding discovery issues, which makes any further Court
 7 resolution unnecessary;

8 IT IS HEREBY STIPULATED that the resolution of the dispute is as follows:

9 **Plaintiff's Special Interrogatories, Set One**

10 Number 1-2: Defendant will supplement its response on or before August 24, 2007.

11 Number 3: On or before August 20, 2007, the Defendant shall produce a list of each of its
 12 hourly, non-management employees, employed since September 20, 2002, whose last name begins
 13 with an "A" and "B." The list shall be provided to a mutually agreed upon third-party claims
 14 administrator who shall mail a letter within two (2) days to each such person, up to a maximum
 15 number selected by Plaintiff, advising them of this Court case and a request by Plaintiff for their
 16 contact information. The letter shall be substantially in the form attached hereto as Exhibit A, and
 17 shall advise the person that if they object to the disclosure, they must notify the claims
 18 administrator by September 11, 2007. On September 14, 2007, the Claims Administrator shall
 19 provide the names, addresses, and phone numbers to Plaintiffs counsel for each person mailed the
 20 letter, except persons who objected, or for persons whose letters were returned as undeliverable.

21 Number 5-6: Defendant will supplement its response on or before August 24, 2007.

22 Number 7-8: Plaintiff agrees to withdraw her Motion as to these interrogatories.

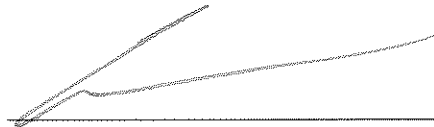
23 Number 11-19: Defendant will supplement its response on or before August 24, 2007.

24 **Plaintiff's Request For Production of Documents, Set One**

25 Number 2, 5-6, 8-9, 13: Defendant will supplement its' response on or before August 24,
 26 2007.

1 Date: August 20, 2007

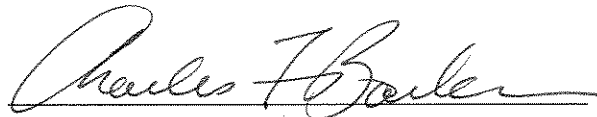
LAW OFFICES OF MICHAEL L. CARVER

2
3
4 

5 Michael L. Carver
6 Attorney for Plaintiff,
7 FAITH MARTIN, et al.

8 Date: August 20, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

9
10
11 

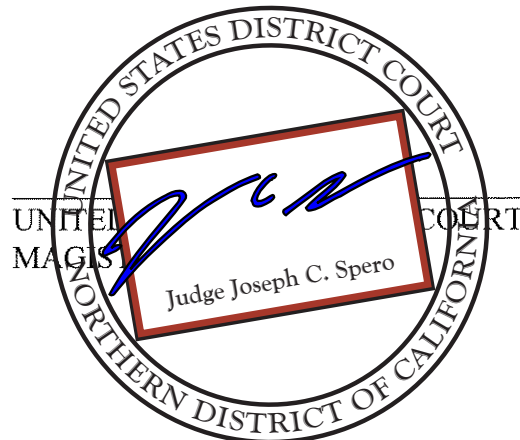
12 Charles Barker
13 Attorney for Defendant,
14 FEDEX GROUND PACKAGE SYSTEM INC., et al.

15 **ORDER**

16 Pursuant to the stipulation of the parties, the Defendant shall comply with the above
17 stipulation as set forth.

18 IT IS SO ORDERED.

19
20
21 Date: August 22, 2007



CASE NO.
CV-06883-MJJ JCS

EXHIBIT A

TO

STIPULATION RE
RESOLUTION OF
DISCOVERY
DISPUTE AND
ORDER THEREON

August 21, 2007

SIMID
NAME
ADDRESS
CITY, STATE ZIP

Re: *Martin v. Fed Ex Ground Package Inc., et al.*
Case No. CGC-06-456310

To Whom It May Concern:

On September 20, 2006, the Law Offices of Michael L. Carver filed a Class Action Complaint against Fed Ex Ground Package Inc. on behalf of non-exempt, non-managerial employees in California alleging that the Defendant owes their former and current employees compensation for missed and unlawfully provided meal and rest periods under the IWC Wage Orders and Labor Code § 226.7, and penalties for providing unlawfully itemized wage statements pursuant to Labor Code § 226.

Members of the proposed class in the Class Action Complaint are former and current non-exempt, non-managerial employees of the Defendant Fed Ex Ground Package Inc. employed from September 20, 2002 to the present. Fed Ex Ground Package Inc. denies any wrongdoing and denies that the action should be a class action. Consequently, the Law Offices of Michael L. Carver is conducting a broad class-wide investigation.

To assist in the investigation, the Law Offices of Michael L. Carver seeks to gather information regarding the nature of the work you do (or used to do), while employed by Fed Ex Ground Package Inc. The Law Offices of Michael L. Carver would like to have your address and telephone number to help in their investigation and would like to contact you to obtain your input as to whether the plaintiffs' allegations in their lawsuit are accurate.

Presently, the Law Offices of Michael L. Carver does not have your address and phone number. You have a choice on whether your name, address and phone number are provided to the Law Offices of Michael L. Carver. If you do nothing, the information will be provided. On the other hand, IF YOU DO NOT WANT YOUR ADDRESS AND TELEPHONE NUMBER TO BE PROVIDED TO THE LAW OFFICES OF MICHAEL L. CARVER, YOU MUST COMPLETE AND RETURN THE ENCLOSED POST CARD TO THE FOLLOWING ADDRESS: CLAIMS ADMINISTRATOR, 3176 PULLMAN STREET, SUITE 123, COSTA MESA, CA 92626.

YOU MUST MAIL THE POST CARD BY SEPTEMBER 11, 2007.

You are under no obligation to provide information to or discuss this matter with The Law of Michael L. Carver or with Defendant Fed Ex Ground Package Inc. or any of its agents or attorneys.

Simpluris, Inc
Claims Administrator